

1 Janice M. Michaels  
Nevada Bar No. 6062  
2 Laura R. Bown  
Nevada Bar No. 15706  
3 **WOOD, SMITH, HENNING & BERMAN LLP**  
2881 Business Park Court, Suite 200  
4 Las Vegas, Nevada 89128-9020  
Phone: 702 251 4100 ♦ Fax: 702 251 5405  
5 jmmichaels@wshblaw.com  
lbrown@wshblaw.com

6 Attorneys for Portier, LLC  
7

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA, SOUTHERN DIVISION**  
10

11 JUSTIN FUENTES, CYNTHIA FUENTES  
and ALEX MENDOZA,

12 Plaintiffs,

13 v.  
14

15 PORTIER, LLC; PHUONG MINH DUONG;  
DOES I through V; and BUSINESS  
ENTITIES I through V, inclusive,

16 Defendants.  
17

Case No. 2:22-cv-

**DEFENDANT PORTIER, LLC'S  
PETITION FOR REMOVAL**

Trial Date: None Set

18  
19 COME NOW, Petitioner/Defendant PORTIER, LLC (“Defendant”), by and through its  
20 attorneys, the law firm of WOOD, SMITH, HENNING & BERMAN, LLP, and hereby removes the  
21 above-captioned action currently pending in the District Court of Clark County, Nevada to the  
22 United States District Court for the District of Nevada.

23 **I.**

24 **BACKGROUND**

25 1. On or about March 4, 2022, Plaintiffs filed a Complaint in the District Court of Clark  
26 County, Nevada (hereinafter the "State Court Action"). The State Court Action was assigned Docket  
27  
28

WOOD, SMITH, HENNING & BERMAN LLP  
Attorneys at Law  
2881 BUSINESS PARK COURT, SUITE 200  
LAS VEGAS, NEVADA 89128-9020  
TELEPHONE 702 251 4100 ♦ FAX 702 251 5405

1 No. A-22-849262-C.<sup>1</sup>

2 2. On or about April 6, 2022, Defendant Portier, LLC's Registered Agent accepted  
3 service of the Plaintiffs' Complaint in the State Court Action.<sup>2</sup> Since the time of service the parties  
4 have been actively attempting to determine potential resolution prior to commencing litigation.

5 3. Portier, LLC and Phuong Minh Duong are named as a Defendants in the Complaint.  
6 The Complaint purports to assert causes of action sounding in Negligence.<sup>3</sup>

7 4. In the Complaint, Plaintiffs allege injuries as a result of a motor vehicle accident that  
8 occurred on or about March 23, 2020.<sup>4</sup>

9 5. Plaintiffs seeks general damages in excess of \$15,000.00; special damages for  
10 medical and miscellaneous expenses, plus future medical expenses and miscellaneous expenses in  
11 excess of \$15,000.00; costs of this suit, attorney's fees and prejudgment interest; and "[a]ny other  
12 relief as the Court may seem just and proper in the premise."<sup>5</sup> Plaintiffs have also asserted that they  
13 have suffered brain injuries and various other injuries allegedly as a result of the subject accident.

14 6. Pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441(a), this Petition for Removal is  
15 being filed in the United States District Court for the District of Nevada, which is part of the "district  
16 and division" embracing the place where this action was filed – Clark County, Nevada.

17 7. Pursuant to 28 U.S.C. §1446(d), a Notice of Removal to All Adverse Parties will be  
18 promptly served upon Plaintiffs' Counsel and filed with the Clerk of the District Court of Clark  
19 County, Nevada.<sup>6</sup>

20

21

22

---

23 <sup>1</sup> **Exhibit "A"**: Plaintiffs' Complaint.

24 <sup>2</sup> **Exhibit "B"**: Service of Process Transmittal stamped November 6, 2020.

25 <sup>3</sup> See Exhibit "A", generally.

26 <sup>4</sup> Id. at p. 3.

27 <sup>5</sup> Id. at pp. 6-7.

28 <sup>6</sup> **Exhibit "C"**: Notice of Filing Petition for Removal to be filed concurrently with this Petition.

II.

STATUTORY REQUIREMENTS: 28 U.S.C. §1332

8. Diversity. This Court has diversity jurisdiction of this action pursuant to 28 U.S.C. §1332.

9. Plaintiffs allege in their Complaint that they are residents of the State of California.<sup>7</sup>

10. Defendant Portier, LLC is a Utah limited liability company.

11. Defendant Phuong Minh Duong is a resident of Nevada.

12. Diversity, therefore, exists because Plaintiffs are a citizen of California, Defendants Portier, LLC are residents of Utah and Defendant Duong is a resident of Nevada, respectively.

13. Amount in Controversy. Plaintiffs seek general damages in excess of \$15,000.00; special damages for medical and miscellaneous expenses, plus future medical expenses and miscellaneous expenses in excess of \$15,000.00; costs of this suit, attorney's fees and prejudgment interest; and "[a]ny other relief as the Court may seem just and proper in the premise."<sup>8</sup> Based on information provided to Defendant prior to litigation the claimed medical damages are in excess of \$75,000.00.

14. Therefore, this Court has jurisdiction of this action pursuant to 28 U.S.C. §1332 since the alleged amount in controversy is in excess of \$75,000.00.

///

///

///

///

///

///

///

///

---

<sup>7</sup> See Exhibit "A" at p. 2.

<sup>8</sup> Id. at pp. 6-7.

1 **III.**

2 **CONCLUSION**

3 Based on the forgoing, Petitioner/Defendant respectfully requests this action be removed to  
4 this Court, that all further proceedings in the State Court be stayed, and that Petitioner/Defendant  
5 obtain all additional relief to which they are entitled.

6 DATED: May 6, 2022

WOOD, SMITH, HENNING & BERMAN LLP

7  
8 By: /s/ Janice M. Michaels  
9 JANICE M. MICHAELS  
10 Nevada Bar No. 6062  
11 LAURA R. BOWN  
12 Nevada Bar No. 15706

13 Attorneys for Portier, LLC  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WOOD, SMITH, HENNING & BERMAN LLP  
Attorneys at Law  
2881 BUSINESS PARK COURT, SUITE 200  
LAS VEGAS, NEVADA 89128-9020  
TELEPHONE 702 251 4100 ♦ FAX 702 251 5405

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of May, 2022, a true and correct copy of **DEFENDANT PORTIER, LLC'S PETITION FOR REMOVAL** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Michelle N. Ledesma  
Michelle N. Ledesma, an Employee of  
WOOD, SMITH, HENNING & BERMAN LLP

WOOD, SMITH, HENNING & BERMAN LLP  
Attorneys at Law  
2881 BUSINESS PARK COURT, SUITE 200  
LAS VEGAS, NEVADA 89128-9020  
TELEPHONE 702 251 4100 ♦ FAX 702 251 5405